REMARKS

Applicant has amended claims 1, 16, and 20, cancelled claim 21 and added claims 24-44. Claims 1, 3-5, 8, 10-12, 14, 16-20 and 24-44 are now pending in this application.

In the Office Action dated July 18, 2003, the Examiner rejected claims 1, 3-5, 8, 10-12, 14 and 16-21 under 35 U.S.C. 112 first paragraph as failing to comply with the enablement requirement. In addition, the Examiner has rejected claims 1, 3-5, 8, 10-12, 14 and 16-21 under 35 U.S.C. 101 as being directed to non-statutory subject matter. Examiner has also rejected claims 1, 3-5, 8, 10-12, 14 and 16-21 under 35 U.S.C. 103(a) over Taub (US Patent 6,341,267 B1) in view of Horowitz et al (US Patent 6,321,212 B1) and Lange (US 6,321,212 B1).

No new matter has been added. Applicant's remarks, below, may be preceded by quotations of related comments of the Examiner, presented in small bold-face type

> **Claims 1, 3, 4-5, 8, 10-12, 14, and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taub...**

The undersigned has reviewed the July 18, 2003, Office Action and respectfully traverses all rejections for the reasons set forth herein. The undersigned respectfully requests that all pending claims be allowed.

Prior to discussion of the merits of the rejections, some brief comments reviewing the invention may be helpful. In general, the present invention is directed to facilitating the management of regulatory, reputational and legal risk through steps meant to address "know your customer" obligations. One aspect of know your customer obligations involves ascertaining a customer's relationship to a political position. These obligations are exemplified by the contents of enclosed documents, including: the USA PATRIOT Act, the Gartner Report, the Basel Report and the FATF report (Gartner Research Note dated 28 July 2003, Customer Due Diligence for Banks" and "Report on Money Laundering Typologies 2001-2002" respectively).

The present invention can be used for example by a customer account representative who may or may not have a comprehensive grasp of which people may pose an increased risk due to a person's association with a political position. A system that can identify such people can be very

useful. The present invention facilitates the management of such risks by receiving data identifying one or more people that will act as transaction participants and indicating whether a transaction participant may be considered a politically identified person. In addition, if a person is identified as a politically identified person, the present invention can give guidance as to how to proceed by presenting a suggested action.

In some embodiments, the present invention can also generate reports that quantify how the Financial Institution provided its customer account representatives (or other user) with a tool to monitor each transaction participant for political identification in accordance with the Financial Institution's obligations. Other aspects can include a convenient method of informing Financial Institution personnel what constitutes and action the Financial Institution considers to be appropriate in response to a transaction participant being politically identified.

Applicant has amended independent claims 1, 16, and 20 to specifically utilize terminology present in the specification and clarify the claimed invention. Specifically, Applicant has amended independent claims 1, 16, and 20 to indicate that the invention is meant to "facilitate the management of risk" and that a "politically identified person includes at least one of: an elected official, a bureaucrat, a political appointee, a World Bank Official or a military personnel. Applicant has also amended the independent claims 1, 16, and 20 to indicate the a risk quotient comprises a scaled numeric or alpha-numeric value.

In addition, Applicant has added claims 24-43 to further clarify that the present invention relates to specific types of Risk which are not addressed by the prior art, specifically: regulatory risk, reputational risk, legal risk and risk associated with a cost to defend an adverse position. The additional claims are directed to the facilitation of risk management related to a succinctly defined set of persons which the Applicant defines as politically identified persons.

Claim 44 has been added to claim apparatus that can be used to implement the present invention.

Applicant respectfully submits that no new matter has been added, that the amendment has been made in good faith and that Claims 1, 3-5, 8, 10-12, 14, 16-20 and 24-44 are in proper form for allowance.

a. **35 USC §112.**

The Examiner has rejected claims 1, 3-5, 8, 10-12, 14, 16-21 under 35 U.S.C. 112 as failing to comply with the enablement requirement. The Examiner has indicated that the claims are rejected because the term "political exposure" is not defined in the specification in such a way as to enable one skilled in the art to make and/or use the invention and that the algorithms are not adequately detailed to allow another person to duplicate the invention.

The Applicant respectfully asserts that the term "political exposure" is a term of art widely known and used in the field. Use of the term in the industry is evidenced by the enclosed documents generated by the Basel Committee on Banking Supervision and the Financial Action Task Force (FATF) entitled "Customer Due Diligence for Banks" and Report on Money Laundering Typologies," respectively. Each of these documents defines the term "politically exposed person" and espouses its use in a manner consistent with its use in the present invention.

However, in an effort to further the prosecution of the present invention and remove any concerns the Examiner may have with the term "politically exposed person," the Applicant has amended the claims to include the step of: "indicating that an individual is a politically identified person based upon the person's status as at least one of an elected official, a bureaucrat, a political appointee, a World Bank Official and a military person." Support for this claim element can be found in the specification on page 1, lines 24-27. In the amended claims 1, 3-5, 8, 10-12, 14 and 16-21, a succinct test can be made to ascertain whether or not a person will be indicated in the computer as a politically identified person.

The Examiner has also rejected claims 1, 3-5, 8, 10-12, 14 and 16-21 under §112 stating that the "algorithms are inadequately detailed to allow another person to duplicate the invention". Applicant respectfully traverses this rejection.

The Examiner has not clearly indicated which algorithm he has found inadequately detailed, and claims 1, 3-5, 8, 10-12, 14 and 16-21 do not specifically reference an algorithm. However, Applicants review of the Specification has found four instances of the word algorithm (p. 3 line 14, p.5 line 25, p. 7 line 24, p.19 line 8). In each instance an algorithm is discussed in

the context of generating a risk quotient. Therefore, Applicant will address the Examiner's rejection from the aspect of generation of a risk quotient.

Applicant respectfully points out that in determining whether "the claims at issue [are] sufficiently precise to permit a potential competitor to determine whether or not he is infringing,"[i] the Federal Circuit has not held that a claim is indefinite merely because it poses a difficult issue of claim construction.[ii] The Federal Circuit also has not insisted that claims be plain on their face in order to avoid condemnation for indefiniteness; rather, what the Federal Circuit has asked is that the claims be amenable to construction, however difficult that task may be.[iii]

Case law also teaches us that claim interpretation begins with the language of the claims.[iv] The general rule is that terms in the claim are to be given their ordinary and accustomed meaning[v]. In determining the proper meaning of the claims, it is correct to "first consider the so-called intrinsic evidence, i.e. the claims, the written description, and if in evidence, the prosecution history."[vi]

Beginning with the language of the specification, the present application defines a risk quotient as a scaled numeric or alphanumeric value indicative of an amount of risk associated with an account (p7 lines 25-26 and p. 3 lines 14-15). Applicant suggests that another person skilled in the arts will be able to duplicate the invention according to the plain meaning of the claims. Calculating a scaled numeric or alphanumeric value is well known and practiced throughout many industries. Scaled values are calculated and utilized in numerous instances and easily ascertained applications. For example, scaled numeric or alphanumeric values are calculated for credit ratings (i.e. Moody's rating); consumer satisfaction ratings, performance ratings, movie ratings, even beach weather ratings. The present invention is not limited to any one method or algorithm for the generation of such a scaled value. Many techniques and methods can be adapted for the generation of a scaled value based upon the information relating to the status as a politically identified person. A scaled value is a commonly used artifact, Applicant respectfully suggests that a person skilled in the arts will be able to duplicate its generation.

In addition, considering the intrinsic evidence, in order to facilitate another person's understanding of the present invention, Applicant has included in the specification a step by step process that explains how a scaled value can calculated and examples which illustrate the process. On page 12 line 26 through page 13 line 22 the specification describes steps for calculating a scaled value, including:

a) assigning a numerical value to each field of information that is representative of the risk associated with a piece of information(p. 12 line 28 – p. 13 line 8);

b) assigning a weight to a category of information (p. 13 lines 8-10); and

c) multiplying the numerical value times the category weighting (p. 13 lines 10-11).

The specification also includes examples of how the steps set forth can be implemented to generate a scaled value (page 13 lines 12 through 22).

Applicant therefore respectfully asserts that "the claims at issue [are] sufficiently precise to permit a potential competitor to determine whether or not he is infringing." A scaled value is a basic artifact widely understood in the industry and succinctly described in the specification. Someone skilled in the arts will understand how to generate a scaled value and know whether or not they have generated a scaled value.

b. <u>35 USC §101.</u>

The Examiner has rejected claims 1, 3-5, 8, 10-12, 14, 16-21 under 35 U.S.C. 101 as being directed to non-statutory subject matter. The Examiner has rejected claims 1, 3, 5, 8, 10-12 and 14 on the grounds that no form of technology is claimed. In addition, the Examiner rejected claim 21 stating that claim 21 is directed to non-functional descriptive matter. The Examiner has also rejected claims 1, 3-5, 8, 10-12, 14, 16-21 for lacking "patentable utility." The Applicant respectfully traverses these rejections for the following reasons.

Applicant respectfully asserts that amended claims 1, 3, 5, 8, 10-12 and 14 constitute one or more computer implemented methods for enabling a computer to facilitate risk management and that such methods are within the technological arts. The Applicant has claimed a method for

operating a machine. 35 USC §101 states that "[w]hoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor," (emphasis added). The Applicant has claimed a process, which is implemented with a computer to produce a "useful, concrete and tangible result" as required by State Street Bank and Trust CO. v. Signature Financial Group, Inc 149 F3d at 1373, 47 USPQ2d at 1601-02 (Fed. Cir. 1998) (hereinafter State Street) and set forth in the Manual of Patent Examining Procedure (MPEP) at 2106(A).

Amended claims 1, 3-5, 8, 10-12, 14, 16-21, as well as new claims 23-44 include machine apparatus in the body of the claims in the form of a computer. The machine apparatus is not mere recitation of a physical object in the process, because the claims unambiguously recite that computer apparatus are performing the steps claimed and are integral to the claimed process. A computer by itself does not carry out the claimed steps. The pending claims clearly point out that functional elements of the computer and/or software implement the claimed invention.

The "Examination Guidelines for Computer-Related Inventions," issued by the United States Patent and Trademark Office, states that a "computer related invention is statutory subject matter," as opposed to an abstract idea, law of nature or natural phenomenon (p. 2-3). Each of claims 1, 3, 5, 8, 10-12 and 14 are clearly directed to computer implemented method steps and do not constitute abstract ideas, laws of nature or natural phenomenon.

The Examiner's has cited In re Toma, 197 USPQ 852 (CCPA 1978) (Toma) to support his rejection of non-statutory subject matter. However, Toma actually supports the patentability of the Applicant's claims. Toma held that a computer implemented method for translating natural languages is in the technological arts and in doing so distinguished such a method from mere solving a mathematical problem. Claims 1, 3, 5, 8, 10-12 and 14 do not constitute mere solving of a mathematical problem. Claims 1, 3, 5, 8, 10-12 and 14 facilitate a computer implemented method for the management of risks associated with conducting transactions that involve a politically identified person. If the Examiner is asserting that claims 1, 3, 5, 8, 10-12

and 14 are merely directed to solving a mathematical problem, Applicant respectfully requests that the Examiner point out the mathematical problem he is referring to.

The Applicant has amended the elements of claims 1, 3, 5, 8, 10-12 and 14 to more clearly point out that they are directed to a method, implemented by a computer, to facilitate the management of risk associated with a financial transaction involving a politically identified person. As in Toma, the methods claimed in claims 1, 3, 5, 8, 10-12 and 14 are clearly different from mere solving a mathematical problem.

The Examiner has also cited Ex parte Bowman 61 USPQ2D 1669 (Bowman) to support his rejection of non-statutory subject matter. Applicant notes that Bowman is unpublished and is not binding precedent of the Board of Patent and Appeals and Interferences. However, even if Bowman were precedential, it would not apply to the application at hand. In Bowman, it was found that neither the specification nor the claims discussed the use of any technology with respect to the claimed invention. In Bowman the court found no indication on the record that the invention was connected to a computer in any manner and relied upon this absence of any connection to a computer to find the claims not directed to statutory subject matter.

The concurring opinion in Bowman also provides an in depth discussion of cases which are precedential, namely State Street, and AT&T Corp. v. Excel Communications Inc., 172 F.3d 1352, 1355, 50 USPQ2d 1447 (Fed. Cir. 1999) (hereinafter AT&T). In the concurring opinion, Judge Dixon quotes State Street and AT&T to illustrate that the Bowman invention was directed to non-statutory subject matter because the process was not tied to an apparatus, such as a computer, either expressly or by implication. Applicant respectfully points out that Applicant's claimed invention is clearly tied to a computer apparatus.

In the specification, a PIP system which will execute the method steps (politically identified person system) is described as a computerized system which can include multiple processing and database sub-systems such as cooperative or redundant processing servers (p. 9 line 27 – p. 10 line 12). A person skilled in the arts will understand the described system to be computer apparatus, which ties the invention to the "technological arts."

Claims 1, 3, 5, 8, 10-12 and 14 are clearly stated to be "computer implemented" methods, and therefore require the use of one or more computer devices (as described on pages 9-10 of the specification) which provides a nexus to a technological art. The Federal Circuit has indicated that such inventions are statutory subject matter (AT&T 50 USPQ2d at 1449).

The Examination Guidelines for Computer-Related Inventions direct the Examiner to identify the features of the invention that would render the claimed subject matter statutory if recited in the claim (p.8). Although the Examiner has not indicated in his Office Action those features of the invention that would render the claimed subject matter statutory, during previous discussions with the Examiner, the Examiner has indicated that bringing the nexus to a computer into the elements of the claims would address the perceived defect. Accordingly, although the Applicant does not agree that 35 USC §101 requires additional nexus to a technological art, in order to expedite the issuance of the claims, the Applicant has amended claims 1, 3, 5, 8, 10-12 and 14 to more clearly point out that the method steps include a tie to a computer. However, Applicant respectfully traverses the rejection and retains the right to pursue other claims which may or may not include similar claim language in one or more continuation and/or divisional applications.

In regard to claim 21, the Examiner has rejected the claim 21, which is directed to a computer data signal, as being non-statutory. In an effort to speedily advance the prosecution of this application, the Applicant has cancelled claim 21. However, the Applicant also respectfully traverses this rejection and expressly reserves the right to the pursue the subject matter of claim 21 in one or more continuation and/or divisional applications.

The Examiner has also rejected claims 1, 3-5, 8, 10-12, 14, 16-21 for lacking "patentable utility." A computer process is patentable if it claims a practical application (*See Alappat*, 33 F.3d at 1543, 31 USPQ2d at 1556-57 (quoting *Diamond v. Diehr*, 450 U.S. at 192, 209 USPQ at 10). *See also id.* at 1569, 31 USPQ2d at 1578-79 (Newman, J., concurring) ("unpatentability of the principle does not defeat patentability of its practical applications") (citing *O'Reilly v. Morse*, 56 U.S. (15 How.) at 114-19).)

As those schooled in the art will know, and as pointed out in the specification, on page 1 line 6 through page 3 line 6, Financial Institutions are subject to federal and international pressure to "Know their Customer," and, in particular, Financial Institutions are under increasing pressure to know a customer's status as a politically identified person. For example, "[t]he USA PATRIOT Act mandates and demands proof of "special due diligence and enhanced scrutiny of accounts ... maintained by, or on behalf of, a senior foreign political figure, or an immediate family member or close associate of a senior foreign political figure. This can be a bewildering number of relationships to track." (Gartner Research Note dated 28 July 2003, a copy of which is enclosed for the Examiners reference). FATF and the Basel Committee have also propounded obligations related to "politically exposed persons" as evidenced in the enclosed documents, Customer Due Diligence for Banks" and "Report on Money Laundering Typologies 2001-2002" respectively.

Meeting such obligations is very difficult, if not impossible, without a method for determining whether or not a transaction participant or other customer is a politically identified person. The Applicant's invention provides a unique and efficient method for making such a determination. The Applicant's invention is not limited to a specific algorithm or specific question. It is useful, amongst other things, to ascertain that a transaction participant is a politically identified person according to the criteria provided in the specification and now included in each independent claim 1, 16, 20, 24, and 37. Specifically, it is useful to be able to ascertain that a transaction participant is at least one of: an elected official, a bureaucrat, a political appointee, a World Bank Official or a military personnel.

It is additionally useful to have a computer generate a suggested action based upon the transaction participant's status as a politically identified person. Such a suggested action can be any action that has been predetermined to be appropriate in dealing with a politically identified person.

c. **35 USC §103.**

The Examiner has rejected claims 1, 3-5, 8, 10-12, 14 and 16-21 under 35 U.S.C. 103(a) over Taub (US Patent 6,341,267 B1) in view of Horowitz et al (US Patent 6,321,212 B1). Applicant respectfully traverses the rejection and requests allowance for claims 1, 3-5, 8, 10-12, 14 and 16-20.

Taub is directed to an improved process for evaluating an individual's behavioral capabilities as the profile of differences between required and attained capability levels are respectively measured on the same scales and thus cancel out inadequacies in their separate measurement and avoid misuse of their separate interpretation. Taub does not teach, specifically or by inference, the elements of Applicant's invention.

In attempting to apply prior art to the claims, the Examiner has misconstrued the Applicant's invention. As stated above, in general, the present invention is directed to facilitating the management of regulatory, reputational and legal risk through steps meant to facilitate risk management obligations, and in particular a Financial Institution's obligation to "know your customer." Such obligations can involve ascertaining a transaction participant's relationship to a political position.

The present invention facilitates the management of risks associated with political identification by specifying in a computer that an individual will be considered a politically identified person if the individual is one of: an elected official, a bureaucrat, a political appointee, a World Bank Official or a military personnel. The computer system then receives data from various sources that can indicate who in the world is a politically identified person. The computer also receives data identifying who a transaction participant is. If the computer has data indicating that the transaction participant is a politically identified person, the present invention presents the data to the Financial Institution, because, according to current law, it is important, useful and necessary for Financial Institution to "know their customer" and know if their customer is politically identified. In addition, some embodiments of the present invention can provide a scaled rating that can alert the Financial Institution as to how important a risk factor it is that the transaction participant is politically identified. In still additional

embodiments, the present invention can be used to present to members of the Financial Institution what action may be appropriate to respond to a transaction participants classification as a politically identified person. Nothing in Taub, Horowitz or Lange describes or suggests such management of risks associated with political identification.

Further, for the reasons set forth herein, the undersigned believes that the Examiner's July 18, 2003 rejections did not meet the requirements of the Manual of Patent Examining Procedure. As required by MPEP § 706.07, ground for rejection "must be clearly developed to such an extent that applicant may readily judge the advisability of an appeal." As required by MPEP § 707.07(d), when rejecting a clam for lack of novelty, the Examiner must fully and clearly state the grounds of rejection. Further, "where the applicant traverses any rejections, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it" (MPEP § 707.07(f)). The undersigned believes that a telephone conference with the Examiner and the Primary Examiner prior to a second action in this continuing examination will help to ensure that both the Examiner's and the undersigned's communications are sufficiently clear so that the appropriate level of clarity can be provided by the Examiner and an appeal avoided.

Requirements of MPEP 707.07(d)

With respect to the requirement that the examiner clearly state the grounds for rejection as required by MPEP 707.07(d), the undersigned has carefully reviewed the Office Action and notes that he is uncertain as to the reason for the Examiner's rejection. Consider for example, the Examiner's rejection of application claims 1,3, 4-5, 8, 10-12, 14, and 16-21 under 35 U.S.C. 103(a). In rejecting claims 1,3,4-5, 8, 10-12, 14, and 16-21, the Examiner stated:

> Claims 1,3,4-5, 8, 10-12, 14, and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taub ...discloses (columns 1-30 but in particular columns 1-5) claims 1,3,4-5, 8, 10-12, 14, and 16-21 as regards the computerized evaluation and gathering of information of personal behavioral and experience factors....

The Examiner cites 30 columns of information with no specific reference to any teaching or claim element. The Examiner also cites 48 columns in Horowitz and 116 "pages" in Lange without a single clear ground for rejection cited towards any claim element.

Applicant respectfully asserts that it is a gargantuan leap from the teaching of Taub to management of regulatory risk, reputational risk, legal risk associated with a financial transaction due to political identification of a person.

While the Applicant recognizes that Taub's "references to role and situation are intended to include all undertakings of an individual," the Examiner gives no indication of how such broad references to role can be applied to facilitate the management of regulatory risk, reputational risk and legal risk associated with a financial transaction due to political identification of a person. The Examiner does no more than to recite the claim elements of Applicant's invention. In addition the Examiner has grouped together all of the pending claims in a common rejection without specifying the merits of each rejection.

The Examiner has similarly treated the Horowitz and Lange references. Horowitz describes methods for providing interactive and proactive customized and personalized advice for a customer by a financial institution. According to Horowitz, the advice is packaged in a preferred format for the customer, and sent to the presentation engine. The advice engine also automatically posts the advice to a token database of the financial institution and sends an update related to the advice to a customer profile of the financial institution and to the context assessment engine. Horowitz has no teaching, or description of a method for indicating that a person is a politically identified person, or of receiving information into a computer based upon the person's status as a politically identified person.

Lange describes systems and methods for conducting demand based trading through the use of a plurality of defined states. The Examiner broadly references "pages" 1-116 and in particular pages 1-14, grossly circumventing his duty to fully and clearly state his ground of rejection. Review of the Lange patent reveals that Lange is directed to derivatives trading and the types of risks discussed in Lange are risks inherent in trading derivatives. Lange does not suggest or teach any methods or systems related to regulatory risk, reputational risk and legal

risk associated with a financial transaction due to political identification of a person or any other know your customer obligation.

For example, what the Examiner must show to support a rejection under 35 U.S.C. 103(a) is use of a computer to indicate that a person is a politically identified person based upon the person's status as at least one of an elected official, a bureaucrat, a political appointee, a World Bank Official and a military person and receipt of information that the person in involved in a financial transaction, so that a risk quotient and a suggested action can be generated, as recited by claim 1.

What is necessary to support a rejection under 35 U.S.C. 103(a) is one or more references that describe each element of each of the pending claims. More particularly, for example, for claim 1 the Examiner will need to clearly and fully clearly identify the following items:

1. A method for indicating in a computer that an individual is a politically identified person based upon the person's status as at least one of an elected official, a bureaucrat, a political appointee, a World Bank Official and a military person;
2. A method for receiving information into the computer relating to the person's status as at least one of an elected official, a bureaucrat, a political appointee, a World Bank Official and a military person;
3. A method for receiving an indication into the computer that the person is involved in a financial transaction;
4. A method for generating a risk quotient comprising at least one of: a scaled numeric value and a scaled alphanumeric value based upon the information relating to the person's status as at least one of an elected official, a bureaucrat, a political appointee, a World Bank Official and a military person; and
5. A method for generating a suggested action responsive to the risk quotient and directed towards reducing regulatory risk, reputational risk, legal risk related to an account associated with the individual indicated to be a politically identified person.

The undersigned does not believe that this has been done by the Examiner nor is it shown in Taub, Horowitz or Lange.

In addition, the Examiner must show a teaching of each element of each dependent claim. Accordingly, for example, Applicant traverses the rejection of claim 3 because the Examiner has not shown where any reference teaches or suggests storing the information received, the risk quotient and the suggested and generating a due diligence report related to at least one of: regulatory risk, reputational risk and legal risk.

Similarly, as an additional example, Applicant traverses the rejection of claim 5 because the Examiner has not shown where any reference teaches or suggests aggregating two or more risk quotients, wherein each risk quotient is indicative of risk associated with different financial transactions and each transaction relates to a particular financial institution in order to assess a level of risk related to political identification to which the financial institution is exposed.

In reviewing Taub, Horowitz and Lange, the undersigned was unable to find any thing similar to that recited by Applicant's claim 1 or the remaining claims (either before or after the present amendments). For at least this reason, all application claims are patentable over Taub, Horowitz and Lange. The Applicant therefore respectfully traverses all of the rejections based upon 103(a).

The undersigned notes that, although previously implicit in the recited claims, the undersigned has amended independent claims 1, 16 and 20 (and thereby dependent claims 3-5, 8, 10-12, 14, 16-19) to more particularly point out that a determination that a person is a politically identified person is based upon the persons status as one or more of: an elected official, a bureaucrat, a political appointee, a World Bank Official and a military person. Further, to prevent any further confusion, and though not required by Examiner's grounds for rejection, the pending claims have been amended to specify that a risk quotient comprises a scaled numeric or alpha-numeric value.

CONCLUSION

Allowance of this application, as amended, is courteously urged.

Respectfully submitted,

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Joseph Kincart
Reg. No. 43,716

Clifford Chance US LLP
200 Park Avenue
New York, NY 10166-0153
Telephone: (212) 878-3289

[i] Morton Int'l, Inc. v. Cardinal Chem. Co., 5F.3d 1464, 1470, 28 USPQ 2d 1190, 1195 (Fed. Cir. 1993)
[ii] Exxon Research & Eng'g Co. v. United States, 265 F.3d. 1371, 60 USPQ 2d 1272, 1276 (Fed. Cir. 2001)
[iii] Id.
[iv] Renishaw PLC v. Marposs Societa Per Aziono, 158 F.3d 1243, 48USPQ 2d 1545, 1548 (Fed. Cir. 1997); Bell Communications Research, Inc. V. Vitalink Communications Corp., 55F.3d 1568, 1572, 40 USPQ2d 1816, 1819 (Fed. Cir.1995)
[v] *see* Renishaw PLC v. Marposs Societa Per Azioni, 158 F.3d 1243, 1248, 48 USPQ 2d 1117, 1120 (Fed. Cir. 1998) ; York Prods., Inc. v. Central Tractor Farm & Family Ctr., 99. F3d 1568, 1572, 40 USPQ 2d 1619, 1622 (Fed. Cir. 1996)
[vi] Digital Biometrics, Inc., 149 F3d 1335, 1347, 47 USPQ 2d 1418, 1424 (Fed. Cir. 1998)